

Remarks

The Action sets forth rejections for each of the claims, claims 1-22. Of the pending claims, claims 1, 17 and 21 are the only independent claims. The remaining claims, claims 2-16, 18-20 and 22 depend respectively, either directly or indirectly from one of these independent claims.

Claim Rejection – 35 USC § 102

The office has rejected claims 1-22 under a single reference, United States Patent Number 6,604,085 awarded to Kolls. The applicants take issue with the relevance of the cited reference to the current application. The cited reference is directed towards a technology to automate features related to vending machines. These features include the collection of funds, dispensing of product, inventory control and reporting, and backend accounting. The present invention is focused on a terminal that can be placed at a merchant's location and be used to facilitate the provision of financial services. As described in the specification, although the financial services may include a point of sale purchase, the types of financial services supported by the present invention far exceed such a simple service. The financial services anticipated by the present invention include actions such as the creation of pre-paid cards, bill payment, check acceptance, etc. Please note that just because Kolls describes the use of a value stored card or a smart card for a point of sale transaction, this is not the same as providing a financial service of opening an account and creating a pre-paid card.

In further addressing the allegations presented in the Action, the applicant has amended the independent claims to more particular accentuate the difference between the claimed invention and the Kolls reference.

More specifically, claim 1 has been amended to show that the financial service being provided requires the approval and creation of a financial account. This is not described, suggested or taught in Kolls. Therefore, the applicant submits that claim 1 is allowable over Kolls.

Claim 17 is not amended in this response because the applicants are in strong disagreement with the Office's current grounds of rejection for claim 17. The Office alleges that column 3, lines 38-65 disclose the claimed elements of:

collecting a fee from said customer for said financial service; and
compensating said merchant with a portion of said fee.

The applicants disagree. The invention described in Kolls does not come close to mentioning these elements. The portion of the reference cited by the Office does not describe this aspect of the invention and upon a review of the entire reference, these elements were not found. The applicant invites the Office to specifically identify where in the reference these elements are described.

Claim 21 has been amended to include several additional elements. The added elements include identifying the financial service as requiring the creation of a financial account, creating that financial account in real-time proximate to the provision of the financial service, identifying additional financial services that are qualified for and tracking any fraudulent activity associated with the account.

The applicant respectfully submits that claim 21, as amended, is clearly not described, suggested or taught in Kolls.

Thus, the applicant submits that independent claims 1, 17 and 21 are in condition for allowance and respectfully requests the Office's consideration.

Further, the applicants submit that each of the dependent claims, being that they depend from an allowable independent claim, either directly or indirectly, is also in condition for allowance. However, the applicant further addresses some of these dependent claims individually.

With regards to claims 2-5, the Office alleges that column 5 of Kolls “generally” discloses the claimed elements. The applicant has reviewed this portion of the reference and has failed to see the description of the claimed elements. Therefore, the applicant respectfully requests the Office to either specifically show how the reference teaches the claimed elements or to withdraw the rejection.

With regards to claims 6-9, the applicants again disagree with the Office’s allegation. The Office sites column 16, lines 15-30 of Kolls. The presentment of various forms of payment as described in this passage of Kolls is not sufficient to allege that the various forms of interfaces described in the claims is disclosed. Thus, the applicants respectfully submit that claims 6-9 are allowable over Kolls.

With regards to claim 10, the Office alleges that column 16, lines 15-30 describes the element of generating a pre-paid card. The applicants respectfully submit that this element of the invention is certainly not described, suggested or taught by Kolls. Kolls merely mentions the existence of a telephone card vending machine but does not provide any description whatsoever as to how the telephone card is created. The present invention recites the process of approving a party for a pre-paid card, collecting funds, creating an account and issuing a card. Thus, the applicants submit that claim 10 is allowable over the cited reference.

With regards to claim 12, the element of providing cash to a customer is recited. The references provided in Kolls by the Office only deal with a customer providing cash to the

vending machine or a value being credited to a stored value card. There is no mention in Kolls of the provision of cash to the customer. Further, this particular aspect helps to clarify the difference in the present invention and the Kolls reference. As previously mentioned, the present invention includes the creation of financial accounts. Such action helps to facilitate capabilities such as providing cash to the customer. The system described in Kolls would have no need for providing a “cash to customer” capability and in fact, does not include a sufficient description to even enable such a capability. Thus, the applicant submits that claim 12 is in condition for allowance.

With regards to claim 15, the claim recites the financial service as including the payment of one or more bills. The Office cites the following passage in Kolls as describing this element:

A customer can also present a credit card, cash, coin, or other currency means and transfer value/credit/cash to a smart card, or other form of ID. A customer can also present a valid ID to purchase business supplies. Business supplies available from the debit card/re-value station 610 can include postage stamps, staplers, paper clips, paper supplies, writing utensils, binding and presentation materials, and other business related products.

Column 16, lines 25-30.

The applicant respectfully submits that this passage has no relationship whatsoever to the recited invention. However, the applicant has further amended claim 15 to more clearly identify the fact that the financial service is allowing the customer to pay a bill, such as a house hold bill, a utility bill, etc. Because this element is not described, suggested or taught in Kolls, the applicant submits that claim 15 is in condition for allowance.

Thus, the applicant submits amendments and arguments in support of the allowance of independent claims 1, 17 and 21. Further, the applicant submits amendments and arguments in

support of several dependent claims and also states that because each of the dependent claims, claims 2-16, 18-20 and 22 depend from an allowable independent claim, that these claim are also allowable. Therefore, the applicant respectfully requests the Office's consideration of the claims and arguments presented herein and either allow the claims or present detailed arguments as to why the claims should not be allowed.

If the Office has any questions or if there are any actions that can be handled through an Examiner's Amendment, the applicant requests the Office to contact the attorney of record using the below-provided contact information.

Respectfully submitted,

/Gregory Scott Smith/

By: _____
Gregory Scott Smith
Reg. No. 40,819
Attorney for Applicant

Smith Frohwein Tempel Greenlee Blaha LLC
Two Ravinia Drive, Suite 700
Atlanta, Georgia 30346
(770) 804-9070